

AMENDED IN SENATE MARCH 27, 2008

SENATE BILL

No. 1347

Introduced by Senator Denham

February 20, 2008

An act to amend Section 51016 of add Section 38132 to the Education Code, relating to pupils school park property.

LEGISLATIVE COUNSEL'S DIGEST

SB 1347, as amended, Denham. ~~Pupils~~. School park property.

Existing law, known as the Civic Center Act, permits specified citizens, organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts to engage in supervised recreational activities or to meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment pertain to the educational, political, economic, artistic, and moral interests of the citizens of the applicable communities, at a civic center located at a public school facility or grounds. Existing law authorizes the governing board of a school district to grant the use of school facilities or grounds as a civic center upon the terms and conditions the governing board deems proper, subject to the limitations, requirements, and restrictions of the applicable law, for specified purposes. Existing law vests the management, direction, and control of school facilities, as specified, in the governing board of the applicable school district and requires the governing board to promulgate all necessary rules and regulations, as specified.

~~Existing law establishes the public school system in this state, and, among other things, provides for the establishment of school districts throughout the state and for their provision of instruction at the public~~

~~elementary and secondary schools they operate and maintain. Existing law defines “class,” for the purpose of the statutes regulating general instructional programs for public elementary and secondary schools, as an organized group of pupils within a school who are pursuing a particular course, subject, or activity.~~

~~This bill would revise that definition to make a technical, nonsubstantive change~~ *add to the Civic Center Act a provision authorizing the governing board of a school district to designate all of, or a portion of, a field or landscaped area that is property of that district as school park property and allow general recreational use of that property by the public at times when that field or landscaped area is not otherwise needed for school purposes. The bill would authorize a school district to exempt school park property from specified requirements of the Civic Center Act relating to permitted use of school property by community groups.*

The bill would require that the governing board of a school district make the designation of school park property at a public meeting of the governing board, by resolution approved by a majority of the membership of the governing board. The bill would provide that the use of school park property would be subject to reasonable restrictions that may be imposed by the school district. The bill would specify that a school district and its officers and employees would not be liable for an injury resulting from the negligence or wrongful act or omission of a person or group of persons using the school park property, but would also specify that it not be construed to limit or affect the liability of a school district under the Tort Claims Act for an injury caused by a dangerous condition of public property, or to limit or affect another defense or immunity including, but not necessarily limited to, immunity for an injury caused in connection with a hazardous activity.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 38132 is added to the Education Code,
- 2 to read:
- 3 38132. Notwithstanding any other provision of law:
- 4 (a) The governing board of a school district may designate all
- 5 of, or a portion of, a field or landscaped area that is property of
- 6 that district to allow general recreational use by the public at times

1 *when that field or landscaped area is not otherwise needed for*
2 *school purposes. Property that is designated pursuant to this*
3 *subdivision shall be known as school park property. The*
4 *government board of school district may exempt school park*
5 *property from the requirements of Section 38131 relating to*
6 *permitted use by community groups.*

7 *(b) The governing board of a school district shall make the*
8 *designation described in subdivision (a) at a public meeting of the*
9 *governing board, by resolution approved by a majority of the*
10 *membership of the governing board. The resolution shall describe*
11 *the property proposed to be designated as school park property*
12 *and the times during which that property would be available for*
13 *school park purposes. Following the designation of that property*
14 *as school park property, the school district shall post a sign on*
15 *the school park property indicating the hours during which that*
16 *property is available for general public use.*

17 *(c) The use of school park property shall be subject to*
18 *reasonable restrictions that may be imposed by the school district.*
19 *These restrictions, or as many of them as are deemed appropriate,*
20 *may be posted on a sign or signs on the school park property. A*
21 *school district, for any reason not otherwise prohibited by law,*
22 *may remove, or cause the removal of, any person or group of*
23 *persons using school park property. A school district may exercise*
24 *its discretion to revoke or change the designation of school park*
25 *property.*

26 *(d) The school district and its officers and employees shall not*
27 *be liable for an injury resulting from the negligence or wrongful*
28 *act or omission of a person or group of persons using the school*
29 *park property. However, nothing in this section shall be construed*
30 *to limit or affect the liability of a school district under Division*
31 *3.6 (commencing with Section 810) of Title 1 of the Government*
32 *Code for an injury caused by a dangerous condition of public*
33 *property, or to limit or affect another defense or immunity*
34 *including, but not necessarily limited to, immunity for an injury*
35 *caused in connection with a hazardous activity.*

36 ~~SECTION 1. Section 51016 of the Education Code is amended~~
37 ~~to read:~~

- 1 51016. ~~“Class” means an organized group of pupils within a~~
2 ~~school who are pursuing a particular course, subject, or activity.~~

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